

Message Text

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ACTION ARA-20

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E.O. 11652: NA

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SUBJECT: COLOMBIAN CONGRESS FUNCTIONING AT A TURTLE'S PACE

1. SUMMARY: THE CONGRESS, WHOSE MEMBERS WERE ELECTED IN THE ELECTIONS IN APRIL, 1974, CONVENED ON JULY 20, 1974 AMID WIDE-SPREAD ANTICIPATION THAT WITH AN OVERWHELMING LIBERAL PARTY MAJORITY THE INSTITUTION WOULD DEDICATE ITSELF TO DYNAMIC LAW-MAKING IN SUPPORT OF PRESIDENT LOPEZ "CLEAR MANDATE". INDEED, THE STAGE SEEMED TO HAVE BEEN SET BY LOPEZ WHO SHORTLY AFTER THE ELECTION SET UP SEVERAL COMMISSIONS, SOME OF THEM BI-PARTISAN, TO STUDY PROBLEMS AND TO PROPOSE REMEDIAL LEGISLATION. YET, DURING THIS PERIOD THE CONGRESS HAS NOT PASSED ONE IMPORTANT PIECE OF LEGISLATION. SOME CRITICISM OF LOPEZ USE OF ECONOMIC EMERGENCY POWERS AND COMPLAINTS FROM CONGRESSMEN THAT THE CONGRESS HAD NOTHING TO DO, PROMPTED THE PRESIDENT TO DEMONSTRATE THAT HE HAD NO INTENTION OF BYPASSING THE CONGRESS. SEVERAL MAJOR BILLS SHOULD DK PASSED INTO LAW BEFORE THE DECEMBER RECESS. END SUMMARY

A MAJOR FACTOR CONTRIBUTING TO THE INACTIVITY OF THE CONGRESS HAS BEEN ITS INABILITY TO ORGANIZE ITSELF PROPERLY. PARITY REPRESENTATION BETWEEN THE LIBERAL AND CONSERVATIVE PARTIES ENDED WITH THE APRIL ELECTIONS. IN SETTING UP THE EIGHT PERMANENT COMMISSIONS IN EACH
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HOUSE TO REFLECT THE CHANGE, BOTH HOUSES ATTEMPTED TO

UTILIZE THE PROCESS OF INTERNAL REGULATIONS, ONLY TO DISCOVER LATER THAT IN ACCORDANCE WITH THE CONSTITUTIONAL REFORM OF 1968 AND SUBSEQUENT LEGISLATION, THE COMPOSITION OF THE COMMISSIONS COULD ONLY BE CHANGED THROUGH THE PASSAGE OF A LAW. A LAW TO THIS EFFECT WAS FINALLY SIGNED BY PRESIDENT LOPEZ ON OCT 2, 1974. MEANWHILE, THE VARIOUS COMMISSIONS HAD BEEN MEETING, BUT OTHER THAN DISCUSSING VARIOUS ISSUES, HAD NOT FORMALLY CONSIDERED PROPOSED LEGISLATION IN FIRST DEBATE AS ESTABLISHED IN THE CONSTITUTION.

3. ANOTHER FACTOR WAS THE DECISION OF PRESIDENT LOPEZ TO DECLARE AN ECONOMIC EMERGENCY, AND TO ISSUE DECREES, THUS BYPASSING THE CONGRESS FOR THE MOMENT. AT THE END OF THE 45-DAY EMERGENCY, THE CONGRESS CAN CONFIRM, MODIFY OR CANCEL THE VARIOUS DECREES. FINALLY, THE CONGRESS HAS TRADITIONALLY BEEN RELUCTANT TO TAKE THE INITIATIVE IN INTRODUCING LEGISLATION, EXCEPT FOR REGIONAL INTERESTS, PREFERRING TO RELY INSTEAD ON THE EXECUTIVE BRANCH. THUS, THE USUAL ANSWER GIVEN BY SENATORS AND REPRESENTATIVES WHEN ASKED WHY THE CONGRESS WAS NOT DOING MORE HAS BEEN "WE ARE WAITING FOR LOPEZ TO SEND US THE LEGISLATION HE WANTS".

4. THE CONSERVATIVE PARTY LEGISLATORS HAVE BY AND LARGE BEEN CONTENT TO PUBLICLY SUPPORT LOPEZ EARLY HANDLING OF HIS "CLEAR MANDATE" IN PART BECAUSE THERE IS LITTLE ELSE THEY COULD EFFECTIVELY DO ANYHOW. HOWEVER IN RECENT DAYS A FEW OF THE LIBERAL PARTY CONGRESSMEN HAVE BEEN CRITICIZING LOPEZ USE OF DECREES INSTEAD OF GIVING THE CONGRESS A CHANCE TO LEGISLATE. THE MAIN EXPONENT OF THIS CRITICISM HAS BEEN REPRESENTATIVE AUGUSTO ESPINOSA VALDERRAMA, A LLERISTA FROM SANTANDER. ESPINOSA HAS ARGUED THAT IT IS UNCONSTITUTIONAL FOR PRESIDENT LOPEZ TO DECREE TAX REFORM MEASURES, WHILE MOST OF THE LIBERAL PARTY MEMBERS HAVE CORRECTLY SAID THAT THIS IS UP TO THE SUPREME COURT TO DECIDE. UNDOUBTEDLY ESPINOSA'S CONSTITUTIONAL ARGUMENT IS MIXED WITH POLITICAL MOTIVES. WHILE NO SERIOUS DIVISION IN THE LIBERAL PARTY IS THREATENED, IT HAS LONG BEEN RUMORED THAT SUPPORTERS OF FORMER PRESIDENT CARLOS LLERAS RESTREPO, INCLUDING ESPINOSA, WOULD SEEK TO ESTABLISH THEIR INDEPENDENCE LIMITED OFFICIAL USE

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FROM THE LOPEZ ADMINISTRATION AT SOME POINT, AND ESPINOSA'S ACTIVITIES MAY BE A STEP IN THAT DIRECTION.

5. REACTING TO THE CRITICISM AND RESTLESSNESS, PRESIDENT LOPEZ CALLED A MEETING OF ALL LIBERAL CONGRESSMEN FOR OCT 3 TO SMOOTH OVER DIFFERENCES IN THE PARTY. AS EXPECTED THE CONGRESSMEN OVERWHELMINGLY ENDORSED THE PRESIDENT'S USE OF EMERGENCY POWERS. PRESIDENT

LOPEZ ALSO ISSUED A COMMUNIQUE LISTING 32 PIECES OF LEGISLATION ALREADY SENT TO THE CONGRESS. IN ADDITION, THE ADMINISTRATION SENT TO THE CONGRESS A PACKAGE OF SEVEN PROPOSALS. THE LATTER INCLUDED A BILL TO ALLOW DIVORCE IN THE CASE OF CIVIL MARRIAGES, AND A PROPOSAL TO GRANT EXTRAORDINARY POWERS TO THE PRESIDENT TO RE-ORGANIZE THE ADMINISTRATION, INCLUDING THE DECENTRALIZED AGENCIES. PRESIDENT PASTRANA HAD THESE POWERS DURING THE LAST YEAR OF HIS ADMINISTRATION, BUT WAS UNABLE TO COMPLETE THE TASK. AMONG THE BILLS PRESENTED EARLIER, WAS A PROPOSAL TO REFORM THE VIUPTROLLER GENERAL'S OFFICE, A PROJECT TO ESTABLISH A SPECIAL JUDICIAL CIVIL PROCESS FOR FAMILIES, INCLUDING MINORS, ADOPTIONS, MARRIAGE COUNSELING, PATERNITY CASES, ETC, A CULTURAL TREATY WITH THE SOVIET UNION, A BILL TO ESTABLISH TWO MINISTRIES WITHOUT PORTFOLIO--ONE FOR PUBLIC ADMINISTRATION AND THE OTHER FOR ALL MATTERS RELATED TO SOCIAL SECURITY, AND SEVERAL PROJECTS PROPOSED PRIOR TO JULY 20 BY THE PASTRANA ADMINISTRATION, INCLUDING ONE GRANTING 18-YEAR OLDS THE RIGHT TO VOTE, AND ANOTHER REVISING THE 1936 PENAL CODE. PRESIDENT LOPEZ PROMISED THAT OTHER IMPORTANT LEGISLATION WOULD BE PRESENTED IN THE COMING WEEKS.

6. WHATEVER THE PROBLEMS OF THE CONGRESS UP TO NOW, THE TORMENT SEEMS TO HAVE PROVOKED A KIND OF REACTION WHICH SHOULD RESULT IN INCREASED LEGISLATIVE ACTIVITY PRIOR TO THE DECEMBER HOLIDAY SEASON WHEN, IF THE PATTERN ESTABLISHED OVER MANY YEARS IS FOLLOWED, THERE WILL NOT BE ENOUGH CONGRESSMEN AROUND TO ESTABLISH A QUORUM. ONE PIECE OF LEGISLATION IS ASSURED, THE BUDGET, WHICH BY LAW MUST BE PASSED IN NOVEMBER. THE BUDGET INCLUDES REGIONAL AUXILIARY FUNDS, ADMINISTERED BY INDIVIDUAL CONGRESSMEN IN BEHALF OF THEIR CONSTITUENTS I.E. PORK LIMITED OFFICIAL USE

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BARREL FUNDS.
VAKY

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